

EXHIBIT NO.

1

Definition

Convention on the Prevention and Punishment of the Crime of Genocide

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;*
- b. Causing serious bodily or mental harm to members of the group;*
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- d. Imposing measures intended to prevent births within the group;*
- e. Forcibly transferring children of the group to another group.*

Elements of the crime

The popular understanding of what constitutes genocide tends to be broader than the content of the norm under international law. Article II of the Genocide Convention contains a narrow definition of the crime of genocide, which includes two main elements:

1. *A mental element:* the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such"; and
2. *A physical element*, which includes the following five acts, enumerated exhaustively:
 - Killing members of the group
 - Causing serious bodily or mental harm to members of the group
 - Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
 - Imposing measures intended to prevent births within the group
 - Forcibly transferring children of the group to another group

Importantly, the Convention establishes on State Parties the obligation to take measures to prevent and to punish the crime of genocide, including by enacting relevant legislation and punishing perpetrators, "whether they are constitutionally responsible rulers, public officials or private individuals" (Article IV).

States' obligations under the Genocide Convention

- Obligation not to commit genocide (Article I as interpreted by the ICJ)

- Obligation to prevent genocide (Article I) which, according to the ICJ, has an extraterritorial scope;
- Obligation to punish genocide (Article I);
- Obligation to enact the necessary legislation to give effect to the provisions of the Convention (Article V);
- Obligation to ensure that effective penalties are provided for persons found guilty of criminal conduct according to the Convention (Article V);
- Obligation to try persons charged with genocide in a competent tribunal of the State in the territory of which the act was committed, or by an international penal tribunal with accepted jurisdiction (Article VI);
- Obligation to grant extradition when genocide charges are involved, in accordance with laws and treaties in force (Article VII), particularly related to protection granted by international human rights law prohibiting refoulment where there is a real risk of flagrant human rights violations in the receiving State.

International Day